

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

AMAZIN RAISINS INTERNATIONAL, INC.,

Plaintiff,

vs.

OCEAN SPRAY CRANBERRIES, INC.,

Defendant.

Civ. Action No. 04-12679-MLW

**ASSENTED-TO MOTION FOR LEAVE TO APPEAR PRO HAC VICE**

The undersigned, counsel for Plaintiff Amazin' Raisins International, Inc. ("Amazin' Raisins") and members of the bar of this Court, hereby requests, pursuant to Local Rule 83.5.3, that Todd S. Werner, associate in the law firm Merchant & Gould, located in Minneapolis, Minnesota, be permitted to appear as counsel for Amazin' Raisins and practice in this Court pro hac vice. Mr. Werner has a prior relationship with Amazin' Raisins which will be of assistance in litigating this case on behalf of Amazin' Raisins.

Mr. Werner is a member of the bar in good standing of the State of Minnesota and the District of Minnesota. He has filed an affidavit concurrently herewith, setting forth the information required under Local Rule 83.5.3.

The undersigned represents that counsel for the defendant, Ocean Spray Cranberries, Inc., assents to the relief requested in this Motion.

AMAZIN' RAISINS INTERNATIONAL, INC.

By its attorneys,



Nicholas G. Papastavros (BBO # 635742)  
Gina M. McCreadie (BBO # 661107)  
NIXON PEABODY LLP  
100 Summer Street  
Boston, MA 02110  
(617) 345-1000

DATED: October 26, 2005

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DISTRICT OF MASSACHUSETTS

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Defendant.

C.A. No. 04-12679-MLW

**AFFIDAVIT OF TODD S. WERNER**

I, Todd S. Werner, having been duly sworn, depose and say as follows:

1. I am an attorney with the law firm of Merchant & Gould, resident in Minneapolis, Minnesota. This affidavit is respectfully submitted in support of the accompanying Motion, filed pursuant to Local Rule 83.5.3, seeking my admission to practice before the Court in the above-captioned case.
2. I am a member in good standing of the Minnesota State Bar, and the District of Minnesota.
3. There is no disciplinary proceeding pending against me as a member of the bar in any jurisdiction.
4. I am familiar with the Local Rules of this Court.
5. This application, pursuant to Local Rule 83.5.3, is made so that I may appear on behalf of the Plaintiff, Amazin Raisins International.

I declare under the penalty of perjury that the foregoing is true and accurate.

Executed on this 25th day of October 2005.

  
\_\_\_\_\_  
Todd S. Werner

Sworn to before me this 25th day of October, 2005

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 01.31.10

